

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01256/FUL

APPLICANT : Ms Jess Windsor

AGENT : Urban Animation

DEVELOPMENT : Erection of 15 No huts with associated access and car parking

LOCATION: Land East Of Wester Deans
West Linton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Late Submission of Information

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1 of 7	Location Plan	Refused
2 of 7	Proposed Site Plan	Refused
3 of 7	Proposed Site Plan	Refused
4 of 7	Proposed Site Plan	Refused
5 of 7	Proposed Site Plan	Refused
6 of 7	Proposed Plans & Elevations	Refused
7 of 7	Report	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One representation was received. That commented that the application lacked information relating to the ownership and management arrangements for the site.

Consultation responses were received from:

Roads - concern expressed about the access and more specifically access to each of the individual huts. The proposed paths leading to each of the huts are only 1.5 metres wide and as such they do not provide emergency access to them for fire tenders in the event of an emergency. In order for them to comply with Building Regulations, a vehicle access route for fire-fighting vehicles from a public road must reach within 45 metres of the unit and have a minimum width of 3.7 metres. The minimum axle loading of 14 tonne for the access route will be required along with appropriate turning. An amended access plan is required addressing the above points or justification as to why this infrastructure is not required. Having asked colleagues in Building Standards for clarification on this matter, they advise that there is not currently a requirement for fire vehicle access, even taking the installation of wood burning stoves into consideration.

Landscape Architect - no objection, subject to conditions. The site is an upland plateau landscape, one of two areas covered by this description lying between the Pentland and Moorfoots Hills, characterised by hills and ridges covered by a mosaic of coarse grassland, heather and forestry. There is a mosaic of land cover and there is low density settlement in this area. The part of the LCT

that the site is within is more rolling upland plateau than hills and ridges, with improved and unimproved agricultural land punctuated by plantation woodlands and shelterbelts. The perception of the landscape of this LCT is of an open and exposed landscape, through which a network of major and minor routes travel meaning that there is relatively high visual sensitivity, however the rolling nature of the immediate landscape does limit intervisibility to some extent from surrounding areas and the main roads that run in a north south direction. Commercial forestry was felled in 2009 and a replanting programme to create a mixed woodland was undertaken, with mixed success, resulting in a site that has Sitka spruce regeneration to the north end and some planted and regenerating deciduous trees scattered thinly across the site, with the southern end largely open. The Landscape Architect does not have serious concerns about the visual impact of the proposed huts. The first third of the site has good tree cover and should be able to accommodate huts without any negative visual impacts arising. If natural regeneration of native broadleaves could be encouraged and a supplementary native tree and scrubby understorey scheme could be drawn up for the more southern 2/3rd of site so that the huts are assimilated into the wider landscape more quickly and successfully, the Landscape Architect would have no further concerns about this development.

Environmental Health - further information required. The application states that the huts will be serviced by composting toilets but there is no information on where this material is to be deposited and how it will be managed so as not to cause nuisance. Details should also be provided regarding the source of water for the occupants of the huts.

Ecology Officer - no objection, subject to conditions. The Ecology Officer considers the development is acceptable in terms on LDP policies EP1, EP2 and EP3 provided planning conditions are attached for a construction environmental management plan (CEMP) and a species protection plan for breeding birds.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality standards

ED7 - Business, tourism and leisure in the countryside

EP1 - International nature conservation sites and protected species

EP2 - National nature conservation sites and protected species

EP3 - Local biodiversity

EP13 - Trees, woodlands and hedgerows

IS7 - Parking provision and standards

The site is not strategic, therefore the policies contained within SESplan have not been considered.

The following council guidance is material:

Biodiversity;

Placemaking and design;

Trees and development;

Waste management.

Recommendation by - Randal Dods (Planning Officer) on 7th May 2020

Site and proposal

The site is located within the countryside some 6km east of West Linton and accessed from a minor road which connects the A703 (some 2.5km to the east) to the A701 (1.6km to the north west). The site was commercial forestry which was felled in 2009 and some replanting has taken place on the site with Sitka spruce regeneration to the north end and some planted and regenerating deciduous trees scattered thinly across the site. The southern part of the site is largely open to view. There are no buildings on the site.

The application for planning permission 15 huts with associated access and parking. The plan indicates a broadly "L" shaped track with the huts sited either side of that. The shorter portion of the site, running in a vaguely north westerly direction, is about 200m long and would be occupied by four huts. The longer section, running roughly south east, is in the order of 410m and would accommodate 11 huts. Parking and

turning areas would be located at the junction of the two portions of the site. The larger of those parking areas would be some 33m by 23m and would be capable of accommodating in the order of 24 cars. The smaller area would be roughly 6.5m by 21m, which would equate to space for approximately 8 cars.

The applicant proposes some additional tree planting around each hut plot. No lighting will be installed throughout the site. Of the 15 huts, eight would measure 5.2m by 3.6m. The remaining seven would be 6.1m by 3.6m. Both sizes of huts would be 4m to ridge. Since there would not be a connection to a water supply, owners would be expected to transport water to the huts. Each hut would have a wood burning stove and a composting toilet on the inside. The applicant states that the compost material would be subject to additional compost heap treatment as required and that would be retained on site.

Although the applicant has submitted supporting statements for this application, for which I have taken account in my consideration of the application, they were asked to submit a business plan and some indication of how the site would be managed and ownership issues addressed. No business plan was provided and the applicant stated that the proposal is not a commercial venture but that the huts and a portion of woodland would be sold off individually. In terms of management of the site, the applicant states that the responsibility for maintenance and management of the access, paths and fencing would lie jointly with all the owners of the huts. No further details of the hutters' association or management code referred to in the supporting information were provided.

Site history

There is some planning history associated with this site. 09/01362/FUL for the retrospective siting of 2 temporary residential caravans was refused permission in December 2009. No objection was made to the erection of two woodstores, reference 10/01379/AGN. An objection was raised to an application for Prior Notification (reference 13/00264/PN) for the erection of forestry workers' accommodation and a storage shed.

Principle

Scottish Planning Policy 2014 defines a hut as a simple building used intermittently as recreational accommodation, having an internal floor area of no more than 30m², constructed from low impact materials, generally not connected to mains water, electricity or sewerage and built in such a way that it is removable with little or no trace at the end of its life. The buildings proposed in this application would meet that definition.

The huts proposed in this application would be for leisure use and, as such, policy ED7 applies. That policy sets out that proposals for business, tourism or leisure development in the countryside will be approved provided that, amongst other things, the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location. In addition the following criteria, amongst others, will also be considered: the development must respect the amenity and character of the surrounding area; the development must have no significant adverse impact on nearby uses, particularly housing and; the development meets all other siting and design criteria in accordance with policy PMD2.

It is accepted that such a leisure use would require a countryside location and that nearby uses would not be affected to a significant adverse degree. What is at issue, however, is the impact the development would have on the area and the compliance with PMD2, and its accessibility, as required by PMD1.

Landscape and visual impact

Of particular relevance to this proposal is the requirement of policy PMD2 that developments incorporate appropriate landscaping works, which includes structural or screen planting to help integrate the development with the surroundings. Although the site was previously a commercial forestry, that was felled in 2009 and a replanting programme to create a mixed woodland was undertaken, with mixed success, resulting in a site that has Sitka spruce regeneration to the north end and some planted and regenerating deciduous trees scattered thinly across the site, with the southern end largely open. The site sits in a low point of the landscape and the lack of tree cover means it is exposed to views. It is particularly visible from the public road, especially to the south east. Although the Landscape Architect did not object in principle, she did suggest a tree planting scheme to include in the order of 1100 trees, of which 770 would be towards the south eastern edge of the site, in order to assimilate the development into the wider landscape. The applicant subsequently provided a sketch plan for planting which, in order to supplement the approximately 200 trees presently on site, appeared to propose additional planting including 180 trees to the south east of

the site. The proposed landscaping plan is schematic and lacking precise detail of species mix, planting distances or programmes of implementation and maintenance.

Even if that planting were to take place, until it became well established, the southern part of the site would remain largely open and would be particularly visible when viewed from the public road to the south east. As there has been limited success with tree planting works already undertaken elsewhere on the site, there may be similar problems encountered with the planting proposed by the applicant, meaning at best the site would be exposed for many years until the tree planting became well established or at worst, totally exposed if the planting failed to establish. In addition, no details have been provided for the long term management of the woodland, other than a statement that each owner will purchase a share of the woodland and will be required to maintain it in accordance with Forestry and Land Scotland requirements for the site. Without sufficient trees already being well established to provide suitable screening for the huts and in the absence of a management plan for that woodland, the application appears premature. Until then, this development would appear as a scattering of fifteen buildings in a partly exposed rural location with little landscape assimilation, and this landscape and visual impact would not reflect the requirements of PMD2 or ED7.

Accessibility

PMD1 requires encouragement of walking, cycling and public transport in preference to the private car. Whilst there are numerous hutting sites within the Borders, those are historic sites and are generally in locations, such as those at Peebles, Carlols and Eddleston, which are readily accessible by public transport. This site does not benefit from being in an accessible location and would be particularly dependent upon access being gained by private car. It is acknowledged that it is theoretically possible to access the site by foot or potentially bicycle using rights of way BT4 from Craighburn to the north and BT5 from Nether Falla to the east but both those rights of way stop when they meet the public road meaning the last 500m would be on a single track public road with no footpath. Even taking that into account, the distance from the A703 to the entrance of the site is 3.31km and 2.58km respectively. From the A701, the only pedestrian access would be along 1.5km of single track public road from Whim Farm. The applicant states that the walk from the nearest bus halt would take a little under 26 minutes - this is at the outer edge of what could be considered an appropriate walking distance. What also must be factored in is the potential for many travellers to be carrying bags and other items. The expectation is that hut owners would carry water to the site and waste from it and it is more than likely that journeys involving those tasks would be undertaken by car rather than more sustainable forms of transport. The parking provision for in the order of 32 cars appears to indicate that the applicant expects that cars would be used commonly to access the site. The reasonable likelihood is that most users will travel by car, and that this development is likely to encourage car use, above that of other modes, contrary to Policy PMD1.

Amenity and privacy

Notwithstanding above matters regarding the principle of development, the site is remote from house (the closest property is over 400m distant) and is unlikely to have an impact on the amenity and privacy of the houses which are closest to the site.

Services

The huts will not be connected to a water supply or foul drainage network. The applicant has stated that hut owners will be expected to transport their own supply of water to the huts. As noted above, each hut would have a composting toilet. The applicant has stated that composted material will be stored on site. There will be no recycling or general waste storage on the site and the applicant states that the owners will be expected to remove that waste from the site and use their own domestic waste collection service. Details can be secured by condition of these measures, to ensure they can be suitably regulated, if the application were approved.

Roads issues

The Roads Planning Service (RPS) has expressed concern regarding the access to the huts. They noted that although the buildings may be exempt from building warrant, they still need to comply with the Regulations. This matter has been clarified with Building Standards and fire tender access does not appear to be required in terms of the current non-domestic technical handbook. The number of parking spaces proposed is acceptable to RPS as it is unlikely that all huts would be occupied at the same time if the site was developed as proposed.

Air quality

Each hut would be provided with a wood burning stove. I note that Environmental Health has not commented on that aspect. The site is remote enough to ensure that the inclusion of wood burning stoves will not be detrimental to local air quality.

Ecology

The applicant submitted an ecological impact assessment in support of the application. The council's Ecology Officer has assessed that and is satisfied with its contents and I have no reason to question that assessment. Conditions were recommended in the event of permission being granted.

Trees

The site is in an area formerly occupied by commercial forestry. Some replanting and self-regeneration has taken place although none of the trees on site is of any great age or maturity. The application is not supported by a tree survey and it is therefore difficult to gauge accurately the potential impact of the proposal on the trees which are present on the site. While the value of these trees in themselves is not a serious concern, the apparent absence of account for them adds to concerns noted above regarding the landscape and visual impact of the proposal.

Conclusion

The site is formerly a commercial forest which was clear felled in 2009 and is sparsely populated with trees of no great age or height. The tree planting which has been undertaken recently is not sufficiently mature or established. Although the proposed development is associated with leisure use, it would not be well integrated into the surroundings and wider environment and any proposed planting would take many years to establish. The site is also not in a sustainable location and would be substantially reliant on private vehicles for access. The proposed development would, as a result, be contrary to policies PMD1, PMD2 and ED7.

REASON FOR DECISION :

The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that it would not respect the amenity and character of the surrounding area as a result of its visual impact, and would fail to comply with all the siting and design criteria set out in Policy PMD2, as required by Policy ED7, in that it would not be compatible with and respect the character of the surrounding area, and no overriding case for the development has been substantiated. Other material considerations do not outweigh this conflict.

The development would be contrary to Policy PMD1 of the Local Development Plan 2016 in that the location of the site would mean that there would be significant reliance on private vehicles, with limited potential for the development to be accessed by other transport modes including public transport, ultimately amounting to unsustainable development. No overriding case for the development has been substantiated. Other material considerations do not outweigh this conflict.

Recommendation: Refused

- 1 The development would be contrary to Policy ED7 of the Local Development Plan 2016 in that it would not respect the amenity and character of the surrounding area as a result of its visual impact, and would fail to comply with all the siting and design criteria set out in Policy PMD2, as required by Policy ED7, in that it would not be compatible with and respect the character of the surrounding area, and no overriding case for the development has been substantiated. Other material considerations do not outweigh this conflict.
- 2 The development would be contrary to Policy PMD1 of the Local Development Plan 2016 in that the location of the site would mean that there would be significant reliance on private vehicles, with limited potential for the development to be accessed by other transport modes including public transport, ultimately amounting to unsustainable development. No overriding case for the development has been substantiated. Other material considerations do not outweigh this conflict.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.